

REMARKS

Claims 1-25 are pending in the present application. In the Final Office Action mailed December 12, 2005, the Examiner rejected claims 1-12 and 19-24 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Examiner next rejected claims 13-18 and 25 under 35 U.S.C. §103(a) as being unpatentable over European patent application (EP 0575082A2) taken with Bulwidas, Jr. (USP 4,227,066) further taken with Hsien (USP 5,276,305).

Applicant has canceled claims 1-12 and 25.

The Examiner rejected claims 13-18 under 35 U.S.C. §103(a) as being unpatentable over EP0575082A2 in view of Bulwidas, Jr. and Hsien. Applicant has amended claim 13 to incorporate the subject matter of claim 15.

Amended claim 13 calls for the power source to include circuitry such that a secondary power is not output until activation of the torch. The Examiner has not specified prior art that teaches the power source to include circuitry such that a secondary power is not output until activation of the torch. Since the amendment merely incorporates subject matter of a dependent claim, no new issues are believed presented and therefore no new search or new consideration is necessary. If the Examiner maintains the rejection, Applicant would appreciate citation to where such is taught in the prior art.

Also, claim 14 calls for the welding system to be configured to not have an open circuit voltage across the welding cables when the power source is powered on and the torch is not activated. Again, the Examiner has not indicated where such is taught, and Applicant would appreciate allowance or citation to the reference that so teaches that claimed.

Applicant has amended claim 19 to remove matter identified by the Examiner as new matter and to incorporate the subject matter of claims 20 and 21. Therefore, this claim is placed back to the form originally considered, with the inclusion of the dependent claims. Amended claim 19 calls for, in part, preventing an open circuit voltage between the welding-type torch and the power source during non-activation of the trigger and only allowing current flow between the power source and the welding-type torch when the trigger is activated. In the Office Action mailed January 25, 2005, the Examiner rejected claims 20 and 21 under 35 U.S.C. §103(a) as being unpatentable over EP0575082A2 in view of Bulwidas, Jr. and Tunnell et al. (USP 4,641,292).

The Examiner stated that “it would have been obvious to have controlled the modes set forth in the claims, the motivation being the teachings of Tunnell et al. (4,641,292) that such are

advantageously controlled by a remote control unit.” *Office Action, Jan. 25, 2005, p. 3.* However, the Examiner has not identified where the prior art teaches only allowing current flow between the power source and the welding-type torch when the trigger is activated. Applicant respectfully requests the Examiner to cite to where the prior art teaches only allowing current between power source and the welding-type torch when the trigger is activated, as claimed.

Therefore, in light of at least the foregoing, and absent further clarification from the Examiner, Applicant respectfully believes that the present application is in condition for allowance. As a result, Applicant respectfully requests timely issuance of a Notice of Allowance for claims 13-14, 16-19, and 22-24.

Applicant appreciates the Examiner’s consideration of these Amendments and Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

Respectfully submitted,

/Kent L. Baker/

Kent L. Baker
Registration No. 52,584
Phone 262-376-5170 ext. 15
klb@zpspatents.com

Dated: February 13, 2006
Attorney Docket No.: ITW7510.052

P.O. ADDRESS:

Ziolkowski Patent Solutions Group, SC
14135 North Cedarburg Road
Mequon, WI 53097-1416
262-376-5170